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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,682	02/12/2002	Michael Z. Sleva	9023-21	1035
20792	7590	06/18/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			JUNG, WILLIAM C	
PO BOX 37428				
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			3737	S
DATE MAILED: 06/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/914,682	SLEVA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William Jung	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 February 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-73 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,5,26-33,35,36,45-53,57-65,68 and 69 is/are rejected.
- 7) Claim(s) 2,4,6-25,34,37-44,54-56,66,67 and 70 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 26-29, 32, 36, 45-53, 57-62, 68, and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by *Soile* (US 5,831,492).

Claims 1, 26, 29, 45, 51, 57, and 68: *Soile* anticipates all claimed features in claims 11, 26, 29, 45, 51, 57, and 68. *Soile* discloses an acoustic sensor array where it includes longitudinally extended sensor strip (flat or low profile) with at least one or more sensor element and the sensor element is responsive to acoustic wavelengths in frequency range. Furthermore, *Soile*'s acoustic sensor includes filtering acoustic wavelength from compressional wavelengths frequency to inhibit unwanted frequency (col. 1, lines 11-18; col. 5, line 53 – col. 6, line 9). In addition, *Soile* illustrates in figures 1, 1A, and 9-13, where the acoustic sensor elements are attached to a rail 16, 82, 115, 128, and the first and second opposing spatially separated electrical signal paths have opposite polarity (col. 8, lines 51-57).

Claims 3, 5, and 32: *Soile* shows in figure 8 that the alternating sensor elements are separated along the frame rail and the arrangement of the sensors are such that the adjacent sensors are attached to different sides of the frame rail.

Claims 27, 28, and 50: *Soile*'s figures 1, 1A, 8-13 showed that the sensor strip has planar profile with the sensor responsive to the surface acoustic wave.

Claims 36, 46-49, 52, 53, 58-62, and 69: Soile illustrates in figures 1, 1A, 8-13 where the sensor elements are separate and discrete in a repeated manner with longitudinal or linear arrangement. The width of the sensor segments is varied to a predetermined number and wavelength (col. 8, lines 9-37).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 30, 31, 33, 35, and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Soile* as applied to claims 26 and 57 above, and further in view of *Kassal* (US 5,595,188).

Soile substantially discloses all claimed elements in claims 30, 31, 35, and 63-65. However, Soile does not specifically teach the use of PDVF layer. Kassal discloses a flexible acoustic sensor apparatus where PVDF is used on the sensor element (col. 1, lines 32-42). Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to apply Kassal's teaching of PVDF layer application to Soile's flexible acoustical sensor.

***Allowable Subject Matter***

5. Claims 2, 4, 6-25, 34, 37-44, 54-56, 66, 67, and 70-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Hull et al*** (US 6,178,344), ***Reeves et al*** (US 5,913,829), and ***Wakabayashi et al*** (US 6,558,323)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Jung whose telephone number is 703-605-4364. The examiner can normally be reached on Mon-Fri 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Ruhl can be reached on 703-308-2262. The fax phone number for the organization where this application or proceeding is assigned is 703-308-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

WLS  
June 13, 2004

*Angela D. Sykes*

ANGELA D. SYKES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700